

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

IVORY JOE VALENTINE,

Petitioner,

v.

SPEARMAN, Warden,

Respondent.

5993

No. C 15-~~5993~~ WHA (PR)**ORDER OF TRANSFER**

(Dkt. No. 2, 4)

Petitioner is a state prisoner currently incarcerated at the California Training Facility in Soledad, California. He has filed a petition for a writ of habeas corpus under 28 U.S.C. 2254 challenging a conviction and sentence obtained in 1986 in Orange County Superior Court.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

Petitioner challenges a judgment from Orange County, which lies within the venue of the Central District of California. Accordingly, in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the

1 Central District of California. In light of the transfer, this Court will not resolve whether  
2 petitioner may proceed in forma pauperis.

3 The clerk shall transfer this matter forthwith and terminate docket numbers 2 and 4 from  
4 this court's docket.

5 **IT IS SO ORDERED.**

6 Dated: January 31, 2016.

7   
8 WILLIAM ALSUP  
9 UNITED STATES DISTRICT JUDGE

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7 IVORY JOE VALENTINE,  
8 Plaintiff,  
9 v.  
10 MARION SPEARMAN,  
11 Defendant.

12 Case No. [3:15-cv-05993-WHA](#)

13 **CERTIFICATE OF SERVICE**

14 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
15 District Court, Northern District of California.

16 That on 2/2/2016, I SERVED a true and correct copy(ies) of the attached, by placing said  
17 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
18 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
19 located in the Clerk's office.

20 Ivory Joe Valentine ID: D-42915  
21 CTF Soledad  
22 P O Box 689  
23 Soledad, CA 93960

24 Dated: 2/2/2016

25 Susan Y. Soong  
26 Clerk, United States District Court

27 By:   
28 Dawn Logan, Deputy Clerk to the  
Honorable WILLIAM ALSUP